

RED TAPE OFF LIQUOR TRIALS

Gives Bootleggers Chance To Plead Guilty and Get Lighter Terms

EVIDENCE OPEN TO DEFENSE LAWYERS

Tearing off the shackles of red tape that have jammed the Federal Court with booze trials, Judge William Clark today inaugurated an open-hand policy whereby bootleggers will hereafter have the choice of pleading guilty and a short-term jail penalty or trial by jury with a heavy sentence if convicted.

Judge Clark ordered that henceforth the confidential reports of raiding dry agents be thrown open to counsel for the defendants. The order is unique both in that it is a precedent in Federal jurisprudence and in that it will in effect put squarely up to the lawyers the decision of whether their clients' cases are worth jury trial.

Another highlight of the day's activities in the bootleggers' bar of justice was a severe rebuke of the court to five men involved in the huge apple-jack distilling enterprise found in the house at 523 Monmouth Street, this city, February 1 last.

Defendants in the action, Angelo Bassio and Petro Leggio, of Bristol, and Tony Riggio, Benny Ferrari and Angelo Fragiani, of Trenton, were slated for trial today, but the case went off to October 1 as a result of what Judge Clark interpreted as an adroit move to gain a respite.

The men at the last moment retained Harrold Simandl, young Newark attorney, as their counsel, and Simandl asked the court for a postponement in order to enable him to prepare the defense. Simandl made it clear that he was not in sympathy with his clients' attitude, but said that he simply would not know how to proceed with the case unless given time.

Court Suspicious of Trick

Judge Clark wanted to know why the men had not retained counsel until the eve of trial. Lieutenant Sigafos, head of the Trenton police booze raiders, informed the court that Assemblyman Daniel Spair appeared for the defendants when they were arraigned before United States Commissioner Wilson after the raid. Spair came into court at the judge's order, looked at the defendant's and recalled that he had ac-

(Continued on Page Fourteen)

(Continued from Page One)

companied them to Wilson's office, but that he had quit them when they failed to procure bail.

"I am inclined to think that they did have an attorney, and that they are deceiving me," said Judge Clark.

The court finally agreed to a postponement, but not before he had made it plain that he saw a motive of deceit in the defendant's successful move for a delay. Simandl, incidentally, indicated that he will quit the case, which means that the men retain other counsel.

The five were caught building a concrete mash tank in the Monmouth Street house. The raiders found 30,000 gallons of mash and a still that was the largest ever uncovered here. The men protested that they were hired by an unknown employer and that their sole duty was to build the concrete tank.

In announcing that he would permit lawyers to peruse the secret reports of dry agents on which the district attorney constructs the prosecution of liquor trials, Judge Clark added that guilty pleas will gain the "consideration" of the court.

The intimation was plainly that if, after studying the evidence against a defendant, a lawyer places his client on trial, the lawyer unwittingly fixes his client's penalty if a conviction is returned. In all cases where a jail term is specified under the law, convicted defendants will receive a heavy penalty, whereas those who plead guilty will receive short term sentences.

The short term, if today's activities are a criterion, means anything from 30 to 60 days. Several defendants pleaded guilty to possession and nuisance charges after their counsel read the agents' reports, and were sent to jail.

Frank Lorenz, of Garwood, and Jack Alchowick, of Paterson, were sentenced to 60 days each, and a like penalty was imposed upon Max Kawicki, of Jersey City. Jules B. De Grand was sentenced to 30 days.

Four Trenton men are scheduled to appear before Judge Clark next week as the first local defendants under the "5 & 10" Jones Act, which provides a maximum penalty of 5 years' imprisonment and \$10,000 fine for violation of the prohibition law. The men are: Paul Pontani, 808 Chestnut Avenue; Frank Carabelli, 1024 Chambers Street; Vincent Benedetti, 518 Roebling Avenue, and Arthur Bartolozzi, 421 Bert Avenue. They were caught in a raid on a distillery on the Lockwood Farm, Hopewell Township, last March 13 and were indicted under the Jones Act for conspiracy, manufacture and violation of the Internal Revenue Act.

Counselor John Heher, their attorney, intimated to the court that the men will plead guilty.